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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

NACIO SYSTEMS, INC., a Nevada Corporation,

Plaintiff,

v.

HERBERT M. GOTTLIEB, an individual, and
 SWIdent, INC., a California Limited Liability
 Company,

Defendants.

CASE NO. C 07 3481 PJH

**STIPULATION FOR ORDER (1)
 CONTINUING DATE FOR INITIAL
 DISCLOSURES AND RULE 26(F) REPORT
 AND (2) CONTINUING DATE FOR CASE
 MANAGEMENT CONFERENCE AND
 FILING OF CASE MANAGEMENT
 CONFERENCE STATEMENT**

Complaint Filed: July 3, 2007

Honorable Phyllis J. Hamilton Presiding

Case No: C 07 3481 PJH

STIPULATION FOR ORDER (1) CONTINUING DATE FOR INITIAL DISCLOSURES AND RULE 26(F) REPORT AND (2)
 CONTINUING DATE FOR CASE MANAGEMENT CONFERENCE AND FILING OF CASE MANAGEMENT CONFERENCE
 STATEMENT

1 COMES NOW, Nacio Systems, Inc., a Nevada Corporation ("Nacio"), by and through its
2 counsel, Frank Sommers of Sommers & Schwartz LLP, on the one hand, and Herbert Gottlieb, an
3 individual and SWIdent, LLC, a California Limited Liability Corporation ("Defendants"), by and
4 through their counsel, Idell & Seitel LLP, and stipulate as follows and requests the Court to enter an
5 Order on this Stipulation:

6 1. This case was filed on July 3, 2007.

7 2. There was various law and motion activity in connection with an Application for
8 Restraining Order and Expedited Discovery.

9 3. Pursuant to the Court's scheduling order, the Case Management Conference was set for
10 October 18, 2007. Under the applicable rules, the Case Management Conference Statement is due on
11 October 11, 2007.

12 4. Pursuant to the Court's scheduling order, initial disclosures are due on October 11,
13 2007.

14 5. On September 19, 2007, Defendants filed a Motion for Order Staying Litigation and
15 Compelling Arbitration of all Claims. That motion is set for hearing on October 24, 2007.

16 6. Nacio, through its counsel, and Defendants, through their counsel, have met and
17 conferred concerning the impact of the outcome on the Motion to Compel Arbitration on further
18 proceedings in this case and have concluded that it is in the best interest of costs and efficiency that the
19 Court amend its order on the date for initial disclosures and the date for the first Case Management
20 Conference. The parties believe that these scheduling matters should be re-ordered so that the Motion
21 to Compel Arbitration is heard and determined prior to the first Case Management Conference and
22 prior to any requirement of compliance with Rule 26 for the service of initial disclosures. If the
23 Motion to Compel Arbitration is granted, all matters will be referred to arbitration. If the Motion to
24 Compel Arbitration is not granted, then the Court will administer the case in light of that result.

25 7. Accordingly, the parties hereby stipulate and ask the Court to consider amending the
26 scheduling order as follows:
27
28

Case No: C 07 3481 PJH

1 a. The date of the Case Management Conference should be continued from
2 October 18, 2007 to November 15, 2007 or such other date as the Court deems appropriate in the
3 matter.

4 b. The date for filing the Case Management Conference Statement should be a date
5 seven (7) days prior to the continued Case Management Conference.

6 c. The Court should issue and Order that initial disclosures shall be served seven
7 (7) days prior to the continued Case Management Conference.

8 8. Since the Case Management Conference is currently scheduled for October 18, 2007
9 and initial disclosures and the Case Management Conference Statement would otherwise be due on
10 October 11, 2007, the parties ask that the Court advise as to whether or not this request for continuance
11 has been granted.

12 9. The parties stipulate that this Stipulation be filed with the Court and be presented for an
13 Order thereon.

14
15
16 Dated: October 10, 2007

SOMMERS & SCHWARTZ LLP

17 By: 
18 Attorneys for Plaintiff Nacio Systems, Inc.

19
20
21 Dated: October 10, 2007

IDELL & SEITEL LLP

22 By: 
23 Attorneys For Defendants Herbert Gottlieb and
24 Swident, LLC.

25 **ORDER**

26 Stipulation of the parties having come before the Court and good cause appearing therefore, the
27 Court makes the following orders:

28 Case No: C 07 3481 PJH

1. The date of the Case Management Conference is rescheduled from October 18, 2007 to _____, 2007.

2. The date for filing the Case Management Conference Statement should be filed seven (7) days prior to the continued date of Case Management Conference.

3. The initial disclosures in this matter shall be served by the parties seven (7) days prior to the continued dated of Case Management Conference.

IT IS SO ORDERED:

Dated:

HONORABLE PHYLLIS J. HAMILTON

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel, LLP 465 California Street, Suite 300, San Francisco, California 94104.

On October 10, 2007, I served the following document(s):

STIPULATION FOR ORDER (1) CONTINUING DATE FOR INITIAL DISCLOSURES AND RULE 26(F) REPORT AND (2) CONTINUING DATE FOR CASE MANAGEMENT CONFERENCE AND FILING OF CASE MANAGEMENT CONFERENCE STATEMENT

☒ by **ELECTRONIC MAIL**. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

☒ by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

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I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.



Suzanne Slavens